

## SENATE BILL No. 130

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-5-4-4; IC 10-5-4-5.

**Synopsis:** Release of military discharge records. Provides that a military discharge record is not available for public inspection and copying. Allows the veteran who is the subject of the record, a veterans' service officer, and other persons under a court order to have access to the record. Allows a veteran to have the county recorder permanently remove the veteran's discharge record from the public records.

**Effective:** Upon passage; July 1, 2003.

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January 7, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE BILL No. 130

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 10-5-4-4 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 4. (a) A discharge record is confidential**  
4 **and may only be made available for inspection and copying as**  
5 **provided for in this section. Except as provided in subsection (c),**  
6 **IC 5-14-3 does not apply to the release of a discharge record under**  
7 **this section.**

8       **(b) The county recorder may provide a certified copy of a**  
9 **discharge record to the following persons:**

10       **(1) The person who is the subject of the discharge record if**  
11 **the person:**

12       **(A) makes the request in person; and**

13       **(B) presents an unexpired:**

14       **(i) driver's license;**

15       **(ii) passport; or**

16       **(iii) photographic identification issued by a**  
17 **governmental agency;**



as proof that the person requesting the record is the person who is the subject of the discharge record.

(2) A county or city service officer for the purpose of filing a claim for Veterans Administration benefits or state benefits or for assisting:

(A) the subject of the discharge record; or

(B) a surviving spouse, child, parent, or other relative of the subject of the discharge record;

in a manner considered necessary by the service officer.

(3) The following persons under a court order:

(A) The attorney in fact of the person who is the subject of the discharge record.

(B) The guardian of the person who is the subject of the discharge record.

(C) If the person who is the subject of the discharge record is deceased, the personal representative of the estate of the deceased, the surviving spouse, or next of kin of the deceased.

(c) Disclosure of a discharge record by the county recorder under this section is subject to IC 5-14-3-10.

SECTION 2. IC 10-5-4-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) This section applies after December 31, 2003.

(b) A person may request the county recorder of the county where the person's military discharge record is recorded to permanently remove the person's military discharge record from the public record.

(c) In order to have the military discharge record removed, the person who is the subject of the record shall:

(1) make the request in person; and

(2) present an unexpired:

(A) driver's license;

(B) passport; or

(C) photographic identification issued by a governmental agency;

as proof that the person requesting the record is the person who is the subject of the discharge record.

(d) The county recorder may charge a reasonable fee in an amount authorized by an ordinance adopted by the county legislative body for removal of the discharge record from the public record.

SECTION 3. An emergency is declared for this act.

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